
Unit 7:

Public Assistance

Overview

Public Assistance is supplementary assistance to local, State, and tribal governments and certain private nonprofit organizations for response and recovery in a major disaster or emergency.

One of the ways this assistance is provided is through Federal grants to help rebuild public facilities such as roads, bridges, buildings, utilities, and recreational facilities damaged by disasters.

The Public Assistance Branch on the ERT manages the Public Assistance (PA) Program.

Intent of Public Assistance

- ☐ To provide assistance to address immediate threats to life, public health and safety, and to protect improved public and private properties.
- ☐ To ensure the public is served in a timely and efficient manner.
- ☐ To provide assistance to repair, restore, or replace eligible permanent facilities.
- ☐ To encourage mitigation measures.

General Program Eligibility

A hierarchy of statutes, regulations, and policies govern the eligibility criteria of the Public Assistance Program.

The Stafford Act is the underlying statute that authorizes the PA Program. Regulations published in CFR 44, particularly Part 206, provide the procedural requirements for program operations.

Policies developed by Headquarters may be subject-specific (i.e., applying eligibility criteria to landslides) or disaster-specific (i.e., welded steel moment design for earthquakes).

Eligibility Criteria

The four “building block” components that determine eligibility criteria for public assistance funding are:

- ☐ Applicant
- ☐ Facility
- ☐ Work
- ☐ Cost

Applicants are either public or private nonprofit (PNP) entities.

- ☐ Public agency applicants include State and local governments.
- ☐ Private nonprofits must meet the PNP requirements of the IRS or the State as well as provide services that would otherwise be performed by a government agency.

Examples of such services would include education, medical, fire and emergency, utilities, custodial care, and essential government services.

Essential government services are defined by law as museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, and rehabilitation facilities.

- ☐ Native American tribes or authorized tribal organizations and Alaskan native villages and tribes (not including Alaskan native corporations that are owned privately).

Facilities are public or PNP-owned buildings, works, systems, or equipment, or certain improved and maintained natural features.

Facilities must be the responsibility of an eligible applicant and not be under the specific authority of another Federal agency. They also must be in active use at the time of the disaster and located in a designated disaster area.

Work must be:

- ☐ Required as a result of the declared disaster.
- ☐ Within the designated disaster area.
- ☐ Within the legal responsibility of the eligible applicant.



There are two classifications of work under the PA Program:

- ☐ **Emergency work** includes debris removal and emergency protective measures.
- ☐ **Permanent work** includes, but is not limited to, work on roads, bridges, buildings, utilities, and recreational facilities.

There are different work completion deadlines and cost eligibility guidelines associated with these two classifications of work.

Cost: All costs associated with eligible work must be:

- ☐ Reasonable and necessary.
- ☐ Compliant with Federal, State, and local requirements for procurement.
- ☐ Reduced by all applicable credits such as insurance proceeds and salvage values.

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

Public Assistance Process

The Public Assistance Process includes the following components:

- ☐ **Applicant Briefing:** State emergency officials conduct a briefing to inform potential applicants of available assistance and the procedures for applying. The State is responsible for conducting one or more Applicant Briefings.
- ☐ **Request for Public Assistance:** Applicants complete a Request for Public Assistance form to document their intention to apply for Public Assistance through the Public Assistance program.
- ☐ **Kickoff Meetings:** An applicant, the State, and FEMA meet to explain the PA process and procedures, discuss applicant damages, assess applicant needs, and explain eligibility. The participants then agree upon a plan of action. Kickoff Meetings ensure that applicants have the information needed to identify and complete a Public Assistance project. The State receives specific details on documentation and reporting requirements.
- ☐ **Project Formulation:** PA staff works with applicants to complete documentation of proposed projects to ensure that projects meet Public Assistance eligibility criteria.
- ☐ **Project Worksheets:** PA staff work with applicants as needed to complete Project Worksheets that provide FEMA with a detailed scope of work and an accurate cost estimate for each project.

Applicants are responsible for completing recovery actions, and are accountable to the State for the use of Public Assistance grant funds.

Public Assistance Positions/Staff

The Public Assistance Officer (PAO) and staff oversee public assistance work.

The Public Assistance Officer (PAO)

The Public Assistance Officer heads the Public Assistance Group in the Infrastructure Support Branch, and often serves as the Infrastructure Branch Chief.



The Public Assistance Officer:

- ☐ Manages all public assistance functions at the DFO for the disaster.
- ☐ Coordinates with the FCO, State, and other programs.
- ☐ Funds projects up to \$500,000.
- ☐ Ensures compliance with laws and regulations.

Additionally, the PAO advises the FCO on all PA matters, manages the operation of the PA staff, and handles coordination between the PA program and other parts of the Federal recovery effort. The PAO also works closely with State counterparts to ensure that the program is meeting the needs of applicants.

After the DFO closes, the Public Assistance Officer at the host Region manages the PA program for the disaster.

The Public Assistance Coordinator (PAC)

The duties of the PAC include:

- ☐ Providing customer service and technical assistance to applicants.
- ☐ Maintaining the applicant case management files.
- ☐ Conducting the Kickoff Meeting.
- ☐ Approving projects up to \$100,000.
- ☐ Assisting States in conducting Applicant Briefings, if needed.

The PAC is a customer service manager who works with the applicants to resolve disaster-related needs and ensure that the applicant projects are processed as efficiently as possible. The PAC coordinates with the State as needed to resolve problems. By being involved from the declaration to the obligation of funds, the PAC ensures continuity of service throughout the delivery of the PA program.

The Project Officer (PO)

The responsibilities of the PO include:

- ☐ Providing technical assistance and guidance.
- ☐ Formulating large projects.
- ☐ Coordinating with staff and applicant.



The PO is responsible for developing the scope of work (in partnership with State and local representatives) and for preparing the cost estimate for applicants' large projects. The PO is also responsible for ensuring that the necessary reviews for special considerations (e.g., historic, environmental, insurance, 406 hazard mitigation, etc.) are performed, for preparing all required reports, and for coordinating with appropriate internal and external staff. The PO may be required to assist applicants with small project formulation, and may conduct small project validations. The PO also delegates and coordinates the work of assigned specialists to a project.

The Resource Coordinator

The duties of the Resource Coordinator include:

- ☐ Assisting in determining staff requirements.
- ☐ Developing a resource plan.
- ☐ Assigning and tracking resource staff.

The Resource Coordinator is responsible for managing the resource pool, determining Federal staff needs, coordinating requests for specialists, and maintaining schedules and assignments. The Resource Coordinator works closely with the PAO, the PAC, and State counterparts to ensure that staffing needs are met.

Specialists

The functions of a specialist include:

- ☐ Serving as a resource to the PAO, PAC, PO, and applicants.
- ☐ Providing expertise on small and large projects.
- ☐ Validating small projects.

Specialists are responsible for providing assistance in technical and special consideration areas such as debris removal, insurance, and hazard mitigation. Specialists also conduct PDAs and are available to do cost estimating. Specialists are assigned to the resource pool.

During the PA process, applicants are responsible for identifying all projects and are encouraged to provide their own scopes of work and cost estimates for small projects on the Project Worksheet (PW). The PW supplies FEMA with the information necessary to approve the scope of work and itemized cost estimate prior to funding.

Small projects with PWs prepared by applicants are subject to a Small Project Validation process. Small Project Validation ensures that project costs are eligible and that scopes of work and cost estimates are complete and accurate. The PAC identifies 20 percent of small projects to be validated and gives the PWs to a specialist to validate. PWs for large project PWs are given to the PO to formulate cost estimates and scopes of work.

Small projects (up to \$53,000 for FY 2003) are funded after validation; large projects (over \$53,000 for FY 2003) are funded as work progresses.

Special Considerations

“Special considerations” is a phrase coined by FEMA to describe all Public Assistance program issues other than eligibility that could affect the approved project scope of work and funding cost. Generally, these issues include:

- ☐ Insurance
- ☐ Hazard mitigation
- ☐ Compliance with other Federal laws and regulations

Insurance

Duplicate Benefits—Pursuant to the Stafford Act, the Public Assistance Program cannot duplicate benefits that are received by the applicant for the purpose of disaster recovery. This means that FEMA is required to reduce the amount of its assistance by the amount of any insurance proceeds available for that work.

Facilities in Floodplains—FEMA must also limit disaster assistance for insurable facilities in identified floodplains. Therefore, a reduction in assistance is required for those facilities that do not carry flood insurance or those that carry inadequate flood insurance.



Insurable Facilities—The Stafford Act also requires that an applicant who received disaster recovery assistance on an insurable facility purchase and maintain insurance when the insurance is reasonably available.

Sometimes unique items (items other than buildings, contents, or vehicles) are insured. For example, sometimes bridges or electrical distribution lines are insured against disaster damages.

Hazard Mitigation

Hazard mitigation is defined as any cost-effective action taken to prevent or reduce the threat of future damage to a facility that has been damaged during a disaster. The costs of approved hazard mitigation actions will be included in the overall PA funding of a project.

Hazard mitigation under the Public Assistance Program must meet four criteria to be approved and funded. These criteria require that the hazard mitigation proposal be:

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- ❑ **Eligible**—The proposal must incorporate mitigation at an eligible damaged site.
 - ❑ **Technically feasible**—The proposal must correct the problem it is intended to solve. For instance, floodproofing a water-damaged building is not effective hazard mitigation when the damage was a result of water entering a damaged portion of the roof.
 - ❑ **Cost-effective**—The cost of the mitigation measure must be equal to or less than the costs of the potential future damage costs avoided. Current FEMA policy identifies certain hazard mitigation measures that are presumed to be cost-effective. Otherwise, a benefit/cost analysis must be completed to determine cost-effectiveness.
 - ❑ **Compliant with other Federal laws and regulations**—Because hazard mitigation, by definition, will not return the damaged site to its pre-disaster condition, the proposed measure must be reviewed to ensure that the project complies with other Federal environmental and historic laws and regulations.

Examples of hazard mitigation measures typically found under the Public Assistance Program include:

- ❑ Relocation of facilities that were in high-hazard areas
- ❑ Slope stabilization
- ❑ Floodproofing of buildings
- ❑ Floodproofing of utilities
- ❑ Floodproofing of bridges and culverts



Compliance with Other Federal Laws and Regulations

The public assistance disaster assistance grants are Federal grants. Therefore, the program must comply with other Federal laws and regulations.

Because the grants are disbursed in a disaster environment, these laws often provide for a streamlined review process. At the same time, exemptions are both few and limited.

PA staff must be sensitive to legal requirements, and they must be able to coordinate compliance needs with the Environmental Officer, the Federal Preservation Officer and other branches within the DFO to avoid duplication of effort.

More information on other Federal environmental and historic laws and regulations is provided in Unit 8, Mitigation.